

**STATE OF WISCONSIN
DEPARTMENT OF COMMERCE**

In the Matter of the PECFA Appeal of

Frank Giovanelli
Chicos Super Svc
715 Broadway
Green Bay WI 54303

PECFA Claim 9 54303-3450-04
Hearing 96-250

**DISMISSAL DECISION
FAILURE TO PROSECUTE APPEAL**

The appeal in this matter was filed with the department on August 8, 1996. The department filed a motion to dismiss on December 14, 1999 for failure to prosecute. The undersigned has considered the motion and the supporting statement of facts. Pursuant to §227.44(5), Stats., an administrative law judge has authority to dispose of an appeal informally based on default. The administrative law judge finds that the appellant has defaulted by his failure to reschedule the hearing postponed in July, 1997 and his failure to provide any explanation for not proceeding. The administrative law judge concludes that appellant has defaulted by his failure to proceed to hearing. It is therefore ordered that the matter herein be dismissed.

This is a final decision of the Department of Commerce. You may request a rehearing pursuant to §227.49, Stats., within 20 days of the date of this decision, by sending your petition to Dennis Kozich, Chief Counsel, Department of Commerce, P.O. Box 7970, Madison, Wisconsin 53707-7970. This decision may be appealed within 30 days of the date of this decision or the date of a decision on a request for rehearing, if any, pursuant to §227.53, Stats. The parties in interest are the Secretary, Department of Commerce, 201 West Washington Ave., 6th Floor, P O Box 7970, Madison, Wisconsin 53707-7970 and the appellant named in the appeal caption above.

Dated and mailed: February 22, 2000

Karen L. Godshall
Administrative Law Judge
Department of Commerce

Copies to:

James M. Caragher
Foley & Lardner
777 E Wisconsin Ave
Milwaukee WI 53202-5367

Kristiane Randal, Assistant Legal Counsel
Office of the Secretary
Department of Commerce
P O Box 7838
Madison WI 53707-7838